

---

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Miller

HB No. 835

**Abstract:** Provides that the State Bond Commission shall establish an online database with respect to bond validation suits and add entities to the definition of governmental unit.

Present law defines "governmental unit" to mean the state of Louisiana, municipalities, parishes, parish and municipal school boards and districts, levee boards and districts, housing authorities, bridge authorities, community improvement agencies, redevelopment agencies, all other political subdivisions of the state, units of local government, and nonprofit corporations created by or governed by the governing authorities of parishes or municipalities, any special service districts, such as water, sewerage, garbage, and lighting districts created by or pursuant to legislative acts and any other districts, boards, authorities, and agencies of the state of Louisiana authorized to issue bonds.

Proposed law adds to present law for the definition of "governmental unit" to also mean public trusts, corporations, districts, boards, authorities, and agencies created by or governed by the governing authorities of parishes or municipalities.

Present law provides that the party filing a motion for judgment in a bond validation suit shall also cause notification of said filing to be made upon the State Bond Commission and the attorney general by mailing a certified copy of the motion for judgment by registered or certified mail, with return receipt requested. Present law provides further that no judgment can be rendered until the party filing a motion for judgment files in the record an affidavit of the individual who mailed the motion for judgment to the State Bond Commission and attorney general, showing that it was properly addressed, with sufficient postage affixed, and the date it was deposited in the U.S. mail, to which shall be attached the return receipt thereon.

Proposed law retains present law and adds the requirement for the State Bond Commission to establish and maintain on its website an online database of such motions for judgment and shall post to such database within two days of receipt the caption of the motion for judgment, including the parties, the docket number, judicial district, and parish in which the motion for judgment is filed. Proposed law provides further that the State Bond Commission may remove from the online database such motions and captions after three years from their initial posting on the website.

Present law provides that any person, corporation, or association desiring to contest or enjoin the issuance of any such bonds or action taken providing for a new or different source of payment for outstanding bonds shall proceed by motion for judgment brought in the court having jurisdiction

as provided in R.S. 13:5123. Present law provides further that upon the filing of any such motion for judgment, the court is required to enter an order within five days following such filing requiring the publication of the motion in local newspapers in or having general circulation in such governmental unit two times within a period of 15 consecutive calendar days from the date of the issuance of the order, specifying the dates for publication thereof. The first publication may not be later than eight days from and after the date of the issuance of the order, and it shall at the same time fix a time and place for hearing the proceeding, which time and place shall be published with the motion for judgment. The date fixed for the hearing shall be between 10 and 13 days after the second publication of such motion for judgment. Present law further provides that in addition to such publication, the plaintiff must secure personal service at least five days prior to the second publication of the motion for judgment on at least one member of the governing body of the governmental unit whose actions or proceedings are sought to be contested or enjoined.

Proposed law retains present law and provides that any person, corporation, or association filing a bond validation suit must provide notification of the motion for judgment to the State Bond Commission and the attorney general by mailing a certified copy of the motion for judgment by registered or certified mail. Proposed law further requires the State Bond Commission to post to its online database within two days of receipt the caption of the motion for judgment, including the parties, the docket number, judicial district, and parish in which the motion for judgment is filed. Proposed law provides further that the State Bond Commission may remove from the online database such motions and captions after three years from their initial posting on the website.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:5121(2), 5124(B), and 5125)

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Authorized the State Bond Commission to remove certain information from the online database required under proposed law after three years.